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Dated: June 5, 2009

Electronic Signature for Stephen J. Kontos: /Stephen J. Kontos/

Docket No.: 01-VE22.40C1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John H. Wurster

Application No.: 10/632,803

Confirmation No.: 7425

Filed: August 4, 2003

Art Unit: 2614

For: TELEPHONE NETWORK CONTROL
SYSTEM AND METHOD

Examiner: R. S. Al Aubaidi

RESPONSE TO FINAL OFFICE ACTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Please
Enter

INTRODUCTORY COMMENTS

RS
06/16/09
Thanks

In response to the Final Office Action dated April 6, 2009, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

LISTING OF CLAIMS:

1. (Canceled)
2. (Previously Presented) A method of controlling a telecommunications network comprising the steps of:
 - recognizing a busy condition of a subscriber line;
 - initiating a first call to said subscriber line in response to recognizing the busy condition, including transmitting a first call set-up message indicating a first special calling party number to said subscriber line;
 - detecting a trigger when said first call reaches a switching point in the telecommunications network;
 - in response to detecting the trigger, transmitting a first query message to a control point in the telecommunications network, said first query message including said special calling party number;
 - receiving said first query message at said control point;
 - storing an indicator of said condition in response to receiving said first special calling party number;
 - recognizing a change of said condition;
 - initiating a second call in response to recognizing the change of said condition, including transmitting a second call set-up message indicating a second special calling party number;
 - detecting a trigger when said second call reaches a switching point in the telecommunications network;
 - transmitting a second query message including said second special calling party number;
 - receiving said other query message including said second special calling party number; and
 - updating said indicator of said condition in response to receiving said second special calling party number.
3. (Previously Presented) The method of claim 2 wherein said first and second special party numbers are different invalid calling party numbers.

4. (Original) The method of claim 2 wherein said step of updating said indicator includes a step of updating said indicator to a status existing prior to said step of storing.

5. (Currently Amended) The method of claim 2-4 wherein at least one of said steps of recognizing a condition includes a step of determining a status associated with a subscriber telephone number and said step of initiating a first call includes a step of calling said subscriber telephone number.

6. (Currently Amended) The method of claim 2-4 wherein at least one of said steps of detecting a trigger is performed at a terminating switch serving a subscriber telephone line.

7. (Previously Presented) The method of claim 6 wherein said step of initiating said first call includes calling a telephone number of said subscriber telephone line.

8. (Currently Amended) The method of claim 2-4 wherein said step of storing an indicator of said condition in response to receiving said first special calling party number includes a step of setting a flag as part of a call processing record of an associated subscriber.

9. (Currently Amended) The method of claim 2-4 further comprising a step of transmitting a disconnect request.

10-19. (Canceled)

20. (Previously Presented) A method of processing calls to a telephone line serving a called party, comprising the steps of:

identifying a connection status of said telephone line of said called party;
in response to determining a busy condition ---

(a) initiating a first call to said called party using a special calling party number,

(b) transiting a first query message to a remote control point, said first query message including said special calling party number, and

(c) in response to receiving said special calling party number at the remote control point, setting a status indicator of said telephone line at said remote control point; receiving a request for a second call to the telephone line, the second call from a calling party;

initiating the second call using a second call set-up message indicating a calling party number associated with the calling party; and

transmitting a second query message to the remote control point, said second query message including the calling party number associated with the calling party.

21. (Currently Amended) The method of claim 2, wherein said first call set-up message comprises an ISDN User Part (ISUP) message.

22. (Previously Presented) The method of claim 21 wherein:

said step of transmitting a first query message includes transmitting a Transaction Capabilities Application Part (TCAP) message from said switching point to the control point; the control point comprises a Service Control Point (SCP); and

said first special calling party number transmitted in a calling party identification portion of said TCAP message, said first special calling party number recognized as an invalid telephone number.

23. (Previously Presented) The method of claim 21 further comprising a step of processing, in response to said indicator, a subsequent third call initiated to the same telephone number as said first call.

24. (Previously Presented) The method of claim 20 wherein said step of initiating a first call to said called party includes transmitting an ISDN User Part (ISUP) message to a Service Switching Point (SSP) serving said called party.

25. (Previously Presented) The method of claim 24 wherein:

Said step of transmitting a first query message includes transmitting a Transaction Capabilities Application Part (TCAP) message from said SSP to the remote control point; the remote control point comprises a Service Control Point (SCP); and said special calling party number is transmitted in a calling party identification portion of said TCAP message, said special calling party number recognized as an invalid telephone number.

26. (Previously Presented) The method of claim 24 further comprising a step of processing, in response to said status indicator, said second call.

REMARKS

Applicant thanks the Examiner for the allowance of various claims and the indication of allowability of other claims. To facilitate prosecution, claims 5-6, 8-9, and 21 have been amended to depend upon allowed independent claim 2 so that claims 5-9 and 21-23 depend directly or indirectly on allowed independent claim 2. Thus, claims 2-9, 20, and 21-26 are now in condition for allowance. Moreover, claims 1, 10, 12-13, 15-16, and 18-19 are canceled herein without prejudice or disclaimer. Claims 11, 14, and 17 were previously canceled without prejudice or disclaimer.

Substantively, in the Final Office Action dated April 6, 2009, claims 1, 5-9, and 21-23 were rejected under 35 USC §112, second paragraph for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1, 5-6, and 10 were rejected under 35 USC §102(b) as allegedly being anticipated by Bajzath, et al. (US 6,144,644). Claim 7 was rejected under 35 USC §103(a) as allegedly being unpatentable over Bajzath. The Examiner failed to cite any references against claims 12-13, 15-16, and 18-19.

Applicants reserve the right to pursue the canceled claims in a continuation application filed at a later time and the cancellation of any of the claims or the lack of substantive argument to any canceled claim is not to be taken as any type of an admission.

In the Final Office Action, for example, the Examiner rejected claim 1 for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With regard to claim 1, the Examiner stated: “it is not clear under what condition and to **serve what purpose** the ‘first call is initiated to said subscriber line in response to recognizing the busy condition’” (Final Office Action, p. 3) (Emphasis in original). Moreover, the Examiner stated: “it is unclear **what** is exactly or **who** is ‘recognizing a busy condition’ and why?” (Final Office Action, p. 2) (Emphasis in original) and “it is unclear **why** a first call is initiated to said subscriber line in response to recognizing the busy condition” (Final Office Action, p. 3) (Emphasis in original). The Examiner further rejected claims 5-9, and 21-23 for the same reasons as claim 1. As noted above, claim 1 has been canceled.

Nevertheless, Applicants respectfully disagree with the rejection. Applicants are under no duty to explain the purpose of each claim recitation, and the Examiner has failed to cite a basis in

the law for asking Applicants to do so. Rather, the MPEP clearly states that the Examiner is required to give the claims “their broadest reasonable interpretation consistent with the specification” (*see* MPEP 2111). Further, whether a claim is definite depends on “whether the scope of the claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art” (*see* MPEP 2171). Not only has the Examiner failed to give the claims their broadest reasonable interpretation in light of the specification, the Examiner has further failed to explain how the claim language is unclear to one of ordinary skill in the art as required by the MPEP. For at least these reasons, Applicants respectfully request the Examiner to withdraw the rejection of claims 5-9 and 21-23, which are now dependent directly or indirectly on allowed claim 2.

CONCLUSION

All rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested and the Examiner is respectfully requested to pass this application to issue.

It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65632-594 from which the undersigned is authorized to draw.

Dated: June 5, 2009

Respectfully submitted,

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